

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

WILLIAM RYANN MARTIN, #08480078 §

VS. § CIVIL ACTION NO. 6:05cv222
CRIMINAL ACTION NO. 6:99cr65-2

UNITED STATES OF AMERICA §

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court referred the above-entitled and numbered civil action to United States Magistrate Judge Judith K. Guthrie. The Magistrate Judge presented for consideration the Magistrate Judge's Report, containing proposed findings of fact and recommendations for disposition of this case. Petitioner filed objections to the Report.

This Court made a *de novo* review of Petitioner's objections and determined that they lack merit. This Court finds that the Magistrate Judge's findings and conclusions are correct, and adopts them as the Court's findings and conclusions. The Court therefore

ORDERS that Respondent's motion to dismiss (dkt#6) is **GRANTED**;

ORDERS, ADJUDGES, and DECREES that this motion to vacate/correct illegal sentence pursuant to 28 U.S.C. § 2255 is **DENIED** and this action is **DISMISSED WITHOUT PREJUDICE** to his right to file a motion in the United States Court of Appeals for the Fifth Circuit for leave to file a successive motion pursuant to 28 U.S.C. § 2255; and,

ORDERS that all motions not previously ruled on are denied.

So ORDERED and SIGNED this 28th day of February, 2006.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS
UNITED STATES DISTRICT JUDGE**